

**Response under 37 C.F.R. § 1.116
Expedited Procedure
Examining Group 2621
PATENT
ATTORNEY DOCKET: 46970-5256**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Eiji MURAMATSU et al.) Confirmation No.: 9383
Application No.: 10/520,665) Group Art Unit: 2621
Filed: January 10, 2005) Examiner: Nigar Chowdhury
For: INFORMATION RECORDING MEDIUM)
AND INFORMATION RECORDING)
APPARATUS)

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Window, Mail Stop AF
Alexandria, VA 22314

Sir:

**NOTICE OF APPEAL TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner dated August 22, 2008, finally rejecting claims 1-4.

1. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- Applicants request an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

Total Months <u>Requested</u>	Fee for <u>Extension</u>	[Fee for Small Entity]
<input type="checkbox"/> one month	\$ 130.00	\$ 65.00
<input type="checkbox"/> two months	\$ 490.00	\$ 245.00
<input checked="" type="checkbox"/> three months	\$ 1,110.00	\$ 555.00

- An extension for one month has already been secured on December 22, 2008 and the fee paid therefore of \$130.00 is deducted from the total fee due for the total months of extension now requested. Accordingly, the extension of time fee due with this request is **\$980.00** (\$1,110 - \$130).

2. Notice of Appeal Fee – 37 C.F.R. § 41.20(b)(1)

- The fee in the amount of \$540.00 to cover the Notice of Appeal fee is to be charged to a credit card.

3. Fee Payment

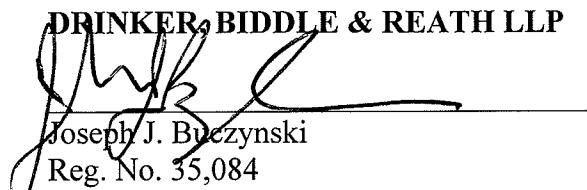
- Fees in the amount of **\$1,520.00**, representing payment of \$650.00 (for the difference between the three month extension of time fee of \$1,110.00 and the one-month extension of time fee of \$130.00 previously paid on December 22, 2008) and a Notice of Appeal filing fee of \$540.00 is to be charged to a credit card. **WARNING: Information on this form may become public. Credit card information should not be included on this form.**

4. Constructive Petition

- EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

DRINKER, BIDDLE & REATH LLP


Joseph J. Buczynski
Reg. No. 35,084

Dated: February 23, 2009

Customer No. 055694

DRINKER, BIDDLE & REATH LLP
1500 K Street, N.W. Suite 1100
Washington, D.C. 20005-1209
Tel: (202) 842-8800
Fax: (202) 842-846